

Appendix B.4: Checklist - Debt Collectors' Obligations under FCRA Sections 615(f), (g) and FDCPA Sections 805(c), 809(b)

This checklist can help you determine whether your client has taken all the necessary steps to invoke the protections covering debt collectors provided by the Fair Credit Reporting Act (FCRA) and the Fair Debt Collection Practices Act (FDCPA). The FCRA requires that a debt collector, in its role as an information furnisher (the business that sent the disputed information to the credit reporting agency (CRA)) must cease reporting the blocked information to any CRA, and may not sell, transfer for consideration, or place for collection any debt relating to the victim's blocking request, once it has been notified by a CRA that it has accepted a victim's Identity Theft Report. Further, under the FCRA, when the victim or a CRA notifies the debt collector of the identity theft, the collector must notify the initial creditor that the debt may be fraudulent, and, upon the request of the victim, provide the victim with information about the underlying suspect transaction, as they otherwise would be entitled under the Fair Debt Collection Practices Act (FDCPA).

Under the FDCPA, consumers, including identity theft victims, can stop a debt collector from further contacts by writing a letter telling it to stop. In addition, a debt collector must suspend collection efforts until it has given to the consumer written verification if the consumer has disputed the debt in writing within 30 days of being notified of this right.

1. Steps to take with the Debt Collection Agencies

- **Contact the Debt Collector and CRAs**
- **Obligations of Debt Collection Agencies Upon Notification**
- **Steps to Take if Obligations Not Met**

Contact the Debt Collector and CRAs

- ☐ Report to both entities that the fraudulent debt is the result of identity theft;
- ☐ Follow up in writing with both entities;
- ☐ Send the debt collector the written dispute within the 30 day period;
- ☐ Send the debt collector a letter telling the collector to stop contacting the victim about the debt; and
- ☐ Request documentation from the debtor collector pertaining to the account or transaction.

Obligations of Debt Collection Agencies Upon Written Notification

- ☐ Must send the victim written verification of the debt, or, stop attempting to collect on the debt;
- ☐ Must not continue to contact the victim; and
- ☐ Must upon notification of the identity theft by a CRA or victim, must notify the initial creditor that the debt may be fraudulent.

Steps to take if the CRAs or Debt Collectors do not Meet their Obligations

- If the CRA has not notified the debt collector that the debt is the result of identity theft, send a follow-up letter to remind the CRA of its duties to report under section 605B of the FCRA.
- If the debt collector attempts to sell, transfer, or place the debt for collection, send a follow-up letter to remind the debt collector of its obligation (upon notification by the CRA) under section 615(f)(1) of the FCRA, to cease selling, transferring, or placing the debt for collection.
- If the debt collector has not stopped attempting to collect on the debt, send a follow-up letter to remind the debt collector that under section 809(b) of the FDCPA, it must cease collection attempts until the collector has mailed the victim written verification of the debt.
- If the debt collector has not stopped contacting the consumer about the debt, send a follow-up letter to remind the collector that under section 805(c) of the FDCPA it must cease contacting the victim.
- If the consumer was unsuccessful in obtaining documentation, send a follow-up letter to the debt collector reminding them of their obligation to furnish documentation under section 615(g) of the FCRA.